Supreme Court, U.S.
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No. 97-64

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1997

MANH TRAN,

Petitioner,

v.

WAYNE STATE UNIVERSITY AND ITS EMPLOYEES,
HARPER HOSPITAL AND ITS EMPLOYEES,
J.H. ISAACSON,
RESPONDENTS' EMPLOYERS AND FUNDING
ORGANIZATIONS AND DEGREE-GRANTING
INSTITUTIONS
In their official and individual
capacities,

Respondents.

Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Sixth Circuit

REPLY TO BRIEF IN OPPOSITION

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August 16, 1997

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QUESTIONS PRESENTED

1. The medical field is owned by the people of the United States and not by the respondents. Since there are breaches of contracts and fiduciary duties with the people, whether the people has the right to know about the massive fraud, deceit, errors in granting degrees by the respondents and the HIV-invasive procedures dodging by the graduates and the conducts of the respondents by publishing the truth to all the newspapers, Congress and the Governors and all the private funding organizations so the whole nation can boycott the respondents, the graduates all across the country.

2. Whether the whole nation should know

the tactics and then boycott the graduates and the respondents since the respondents use the Eleventh Amendment and that prevents monetary damages from being collected from the respondents.

3. There is a pattern of lies and deceit, from running for election to granting degrees, to Tustegee-type experiments as described in the newspaper and use of academic freedom as a bunker to protect from everything that is prosecutable. Whether the discretion card was accepted and approved by either Congress or the American people and allowed the respondents behave as described in the newspaper or that the US government can prosecute the respondents for fraud, embezzlement, treason, breaches of fiduciary duties and other mentioned violations of the laws.

4. It is unacceptable to let the respondents continue the medical killing fields when the casualties and damages described in the newspaper times an infinite number of times equal the actual damages suffered by the innocent American people. Gas masks were needed to read the respondents' record. Whether the Federal death penalty can overide Michigan's ban on death penalty, Michigan Constitution Article 4 Section 46.

5. When receiving funding with bloody and filthy hands, the respondents did not use the discretion card and the wisdom that the respondents claim to have. Whether those lies are prosecutable under the Federal perjury statutes as stated in the statutes sections.

6. Massive number of dead bodies that

could have been prevented and saved had petitioner were allowed to practice medicine with his talented skills, and whether the respondents are liable for it to the unknown number of families that were affected by respondents' actions.

7. Whether the respondents are prosecutable under the Federal Treason statute when the Board of Governors have 2 or 3 or 4 jobs and brag how good they are when Dr. Rauch had two jobs and the respondents called that breach of contract and fraud. In addition, respondents would not go to Wayne State quality doctors as described in the newspaper articles while imposing those massive trashes on the innocent American people

8. Whether petitioner can collect part of

the medical fraud, thefts as described in the petition under the Whistle blower Act of 1989, 5 USCA Section 1201 et seq or Michigan state law Act 469 of 1980 Sect. 17.428(1) et seq for fraud from the US and state governments.

9. Petitioner had to endure the longest siege in medical warfare with the largest concentration of HIV patients in public hospitals, with relentless attacks by the respondents while the other students are dodging, cheating in private hospitals. Whether the differences are ground for rescission of massive number of degrees.

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I. NEWSPAPER ARTICLE ABOUT RESPONDENTS.

Detroit Medical Center (the umbrella group over Hutzel and other hospitals) and several corporations run by a physician connected to Hutzel.

Robert Duty of Dykema Gossett, which is defending Detroit Medical Center, Hutzel Hospital and Dr. David Cotton, said he couldn't comment on the suit without his clients' approval.

"We deny the allegations and any liability," he said.

The suit brought by the three women has generated an 8-inch-thick court file that includes letters of complaint from patients, memos about sexual harassment of employees, memos between doctors and administrators, and information from personnel files purporting to document the allegations.

Cotton is not accused of patient abuse but of condoning the hostile

work environment as former chairman of the Wayne State's Medical School's Department of Obstetrics and Gynecology and also former chief of OB/GYN at Hutzel.

Cotton said in an interview that he "always acted on complaints" in his capacity as chairman. He denied the allegations against him.

After the suit was filed, lawyers for the plaintiffs submitted additional information to the court implicating at least eight doctors in the alleged abuse.

Those doctors are not named as defendants, and some said Thursday they were unaware of suit.

Among the allegations:
One doctor, who has since left Hutzel Hospital, entertained the staff with lewd details of his female patients' sexual histories and performed pelvic

exams without a gloved hand. He could not be reached for comment.

Cotton sent a letter to this doctor on May 20, 1994, discussing the other doctor's problems with obscene terminology; complaints by clerks, receptionist and nurses; and the doctor's questioning of the sexual practices of patients and of his nurse.

In November 1994, the doctor under fire was ordered to apologize to the staff, view a sexual harassment program and modify his behavior, according to a letter in the file. A month later, Cotton wrote to Frank Iocabell, head of Hutzel Hospital, urging that the doctor's behavior be modified or "all of us are going to become involved in a major lawsuit."

In a Jan. 4, 1995, letter, the doctor

who was criticized by Cotton wrote that he was now using gloves on both hands and he defended his discussion of patients' sex lives by saying that many of them had sexual dysfunction and that questioning was "necessary to give medical direction with regard to sexual relations."

In 1995, the doctor was sued for malpractice by a Detroit woman who alleged that while she was pregnant, he negligently treated her with an experimental drug that deformed her fetus and forced her to have a premature, emergency Caesarean section. Her baby was born permanently disabled and deformed. The suit was settled for $362,500.

Another doctor, a member of Wayne State's faculty, allegedly told female

staff members they should be put into concentration camps, described African-American female staff members as lazy and asked a female patient if she could satisfy her desires with a 12-year-old male virgin.

The patient later wrote a letter saying she would seek medical attention elsewhere from professionals who "possess not only knowledge but concern and respect for patients." She said the doctor had also called her an "Italian Mafia princess."

The doctor is also accused of telling the staff on one occasion not to page him "while I am in the bar," where he said he engaged in sexual activity.

The doctor, reached Wednesday, said he was not aware of the lawsuit. "I don't know the allegations so there is noth-

ing I can talk to you about," he said.

Another doctor is accused of assaulting a nurse with a contaminated instrument, breaking the skin. The nurse had to be tested for HIV infection as a result of the assault, according to documents in the case file.

Cotton is accused of referring to all midwives as a bunch of lesbians. He denies the charge.

The suit also alleges that Cotton thought it was a joke that one doctor performed "a lot of" clirectomies - a genital procedure common in some Third World regions but widely denounced in developed countries. Cotton denies joking about it.

Another high-ranking physician alledly acted in a callous manner toward some patients and staffers.

That doctor declined comment on the allegations, and the plaintiffs provided no written documentation to substantiate the claims.

Another doctor allegedly brought in a fetus from a late-term abortion with its feet missing to make it more difficult to determine if the fetus was older than 24 weeks.

The court record reveals that Cotton wrote a letter to the head of Hutzel, asking to cancel this doctor's privileges after he performed an abortion on a fetus that had a greater than 20-week gestation period. The woman's bladder and vagina were torn, and the doctor took all the fetal parts from the surgical room to pathology, according to the letter.

"At this time, no feet can be found for the fetus and therefore the dating of the fetus cannot be accomplished. Some of the people involved in the case suspect that this case was greater than 24 weeks gestation."

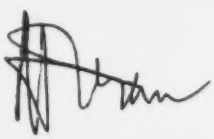
After an internal investigation into several issues involving this doctor, including painful examinations that caused his patients to bleed, Cotton recommended rescinding that doctor's privileges. "The staff is uncomfortable with the way he personally takes videos in the labor room of the perineum of patients," Cotton wrote to the head of Hutzel in December 1994.

This doctor said Thursday that he was not aware of the allegations and called them "ridiculous."

CONCLUSION

Due to the massive casualties and damages inflicted on the innocent American people emotionally and medically, the carpet bombing of the nation by the responsible respondents, the massive violations of the laws by the respondents, petitioner requests the Supreme Court grant Certiorari so the whole nation, the honest and decent American people can be the judges themselves and demand the maximum penalty so well deserved imposed on the respondents for justice.

Respectfully submitted,



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